

1 HOUSE JOINT RESOLUTION NO. 14

2 INTRODUCED BY BIXBY

3
4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
5 MONTANA REQUESTING A STUDY OF PROCESSES AND PROCEDURES BY WHICH VULNERABLE
6 POPULATIONS HAVE ACCESS TO COMPLAINT, INVESTIGATION, AND ENFORCEMENT PROCEDURES
7 WHEN DEALING WITH EMPLOYEES WORKING ON BEHALF OF THE STATE WHO ARE NOT LICENSED.

8
9 WHEREAS, there are many vulnerable populations that find themselves in the care of or under the
10 supervision of state employees; and

11 WHEREAS, unless the state employee belongs to a profession that is licensed, there may not be
12 adequate processes and procedures to ensure that the public, especially persons who are involved in state
13 proceedings, can find assistance or redress for any misunderstandings with or maltreatment by a state
14 employee; and

15 WHEREAS, many supervisors find themselves involved in investigating their own subordinates, which
16 may present an imbalance of power in the state's favor, a potential conflict of interest, or an inability to view the
17 situation objectively; and

18 WHEREAS, the vulnerable populations who may not have redress outside of state agencies who employ
19 caseworkers, community social workers, or probation or parole officers include persons who have been alleged
20 to have abused or neglected their children or juvenile and adult offenders under supervision in the community;
21 and

22 WHEREAS, there are resources within the state and in other states that may provide models for
23 licensure, certification, and professionalization of certain state employees or that may provide models for a
24 separate entity to provide the protections to the public and to the state employee that licensure and board
25 oversight do for certain professions; and

26 WHEREAS, state employees have the right to explain their actions, the right to grievance and
27 administrative appeal procedures, and the right to clear their names; and

28 WHEREAS, an interim study would provide opportunity to gather information from resources inside the
29 state and from out of state to address this situation of vulnerable populations and their relationships with state
30 employees.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
2 THE STATE OF MONTANA:

3 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
4 section 5-5-217, MCA, or direct sufficient staff resources to examine the issue of complaints against state
5 employees by vulnerable populations that are involved in proceedings, actions, or supervision by the state.

6 BE IT FURTHER RESOLVED, that appropriate stakeholders representing various vulnerable
7 populations, such as families involved in child protective services and youth and adults who are under
8 community supervision, along with state employees, advocates, and representatives of various professions be
9 included to assist in the study and to develop strategies to provide an avenue of complaint and investigation of
10 complaints, to provide for confidentiality and protections for all parties, to provide for the ~~professionalization~~
11 LICENSURE of state employees, and to protect the public.

12 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
13 presented to and reviewed by an appropriate committee designated by the Legislative Council.

14 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
15 requirements, be concluded prior to September 15, 2004.

16 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
17 comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

18 - END -